

REMARKS

Claims 1-61 are pending and rejected.

Claims 1, 5, 7-10, 13-17, 19, and 21-61 have been cancelled.

Claims 62-64 are new.

In the office action dated May 16, 2008, certain claims are rejected under 35 USC §103(a) as being unpatentable over Dearman U.S. Patent No. 4,726 in view of Haumann U.S. Patent No.2,968,054 and others. Certain claims are also rejected under 35 USC §112, second paragraph. These rejections have been rendered moot by the cancellation of claims 1, 5, 7-10, 13-17, 19, and 21-61 and the addition of new claims 62-64.

Applicant's attorney Hugh Gortler called Examiner Robert Watson to request an interview to discuss the new claims. Examiner Watson declined the request, saying the new claims would raise new issues and require additional searching. He advised filing an RCE.

New base claims 62 and 64 are not taught or suggested by the documents made of record. Haumann shows a shoe press (shoe, as in footwear). The shoe press includes a pressure arm 1 for pressing an upper against a sole (this is clearly shown in Figure 1) . At the end of the pressure arm 1 is a chain of cylinders 3-5 that can slide along a rod 2 (that is, the cylinders are adjustable in a horizontal direction). Each cylinder contains a piston, which applies force in a vertical direction.

The rod 2 doesn't conform to the shape of the surface. The rod 2 is rigid. Rather, the pistons are extended until they conform to the shape of the shoe upper. Pressure is applied by the arm 1 (hence the name "pressure arm").

Dearman discloses an apparatus for aligning the confronting ends of two pipes. The apparatus includes a chain 8 and screw-type supports 10 attached to the chain 8.

The chain wraps around a first pipe. The supports 10 extend transversely of the chain 8 at a distance sufficient to project beyond the first pipe end and over a second pipe (col. 1, line 64 to col. 2, line 6). The supports 10 provide support and alignment for the second pipe.

These two patents, alone or in combination, do not disclose all of the features recited in new claims 62 and 64. Neither patent discloses a crib. Neither patent discloses a plurality of force-applying members that are with interspersed coupling units, where the coupling units allow the force-applying units to conform to the surface of the top work piece. Haumann's cylinders slide along a rod. Dearman's supports are attached to the side of a chain.

For these reasons alone, new claims 62 and 64 should be allowed over the combination of Dearman and Haumann.

The new claims should be allowed for the additional reason that Dearman and Haumann are non-analogous to each other. According to MPEP 2141.01(a), "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

Dearman's field of endeavor is pipe-fitting and welding. He faces the problem of aligning the confronting ends of two pipes. Haumann's field of endeavor is shoe (footwear) repair. He faces the problem of leaving an imprint on the upper of a shoe.

The hypothetical person skilled in footwear manufacture would not be aware of Dearman. Conversely, the hypothetical person skilled in the art of pipe fitting would not be aware of Haumann. Thus, new base claims 62 and 64 would not be obvious to the hypothetical person skilled in art.

New base claim 64 should be allowed for the additional reason that Dearman and Haumann are not analogous to the system of claim 64. In claim 64, the field of endeavor is aircraft manufacture. The problem faced by the applicant is applying uniform pressure to a large surface having a complex shape. The hypothetical person skilled in the art of airframe manufacture would not be aware of the teachings of either Dearman or Haumann.

Although the point is moot, the rejection of claim 1 did not include an explanation of how the teachings of Dearman could be combined with those Haumann. The office action did not explain whether the resulting combination would be capable of supporting pipes or footwear. The office action only provided a bald conclusion of obviousness. That is, the office action did not establish prima facie obviousness of claim 1.

The undersigned has also reviewed Reyner U.S. Patent No 3,423,082 and Snyder U.S. Patent No. 2,324,803. These patents were cited in the office action dated Jan. 18, 2006. These patents do not teach or suggest the systems of new base claims 62 and 64.

In conclusion, new base claims 62 and 64 should be allowed over the documents made of record. Claims 2-4, 6, 11-12, 18 and 20 should also be allowed, as they have been amended to depend from either new claim 62 or new claim 63 (which depends from claim 62).

If the Examiner has any questions or wishes to further discuss this application, he is encouraged to contact the undersigned.

Respectfully submitted,
/Hugh Gortler #33,890/
Hugh P. Gortler
Reg. No. 33,890
(949) 454-0898
Date: August 4, 2008